

**ORDINANCE NO. 970109-F**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:**

**TRACT 1: 1.758 ACRE TRACT OF LAND OUT OF THE C.J. STRUTHERS SURVEY NO. 610 AND THE DANIEL J. GILBERT SURVEY NO. 8 IN TRAVIS COUNTY, TEXAS, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "P" PUBLIC DISTRICT, AND**

**TRACT 2: 1.224 ACRE TRACT OF LAND OUT OF THE C.J. STRUTHERS SURVEY NO. 610 IN TRAVIS COUNTY, TEXAS, FROM "SF-3" TO "P" PUBLIC DISTRICT,**

**LOCALLY KNOWN AS 3335 MOUNT BONNELL ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "SF-3" Family Residence district to "P" Public district on the property described in File C14-96-0134, as follows:

Tract 1: 1.758 acre tract of land out of the C.J. Struthers Survey No. 610, and the Daniel J. Gilbert Survey No. 8, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract 2: 1.224 acre tract of land out of the C.J. Struthers Survey No. 610, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 3335 Mount Bonnell Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "C".

**PART 2.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

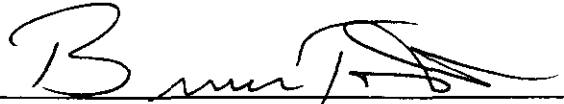
**PART 3.** This ordinance takes effect on January 20, 1997.

**PASSED AND APPROVED**

January 9

, 1997.

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§  
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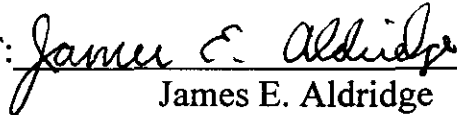
Bruce Todd  
Mayor

APPROVED:



Andrew Martin  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk

## EXHIBIT

## TRACT 1

A DESCRIPTION OF 1.758 ACRES OF LAND OUT OF THE C.J. STRUTHERS SURVEY NO. 610, AND THE DANIEL J. GILBERT SURVEY NO. 8, IN TRAVIS COUNTY, TEXAS, AND BEING THE SAME 1.76 ACRE TRACT OF LAND CONVEYED TO DONALD H. AND BETTY ANN CUMMINS BY DEED DATED MARCH 24, 1995 FROM BRADFIELD AND CUMMINS II, A TEXAS LIMITED PARTNERSHIP, OF RECORD IN VOLUME 12402, PAGE 247 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.758 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found for the northerly corner of said 1.76 acre tract, same being the southwesterly corner of a 7.256 acre tract conveyed to Mrs. Hayes T. Davol by deed recorded in Volume 6556, Page 2316 of the Deed Records of Travis County, Texas, and being in the east line of Lot 1 of Mount Bonnell Terrace, Section II a subdivision recorded in Book 78, Page 170-171 of the Plat Records of Travis County, Texas;

THENCE along the north line of said 1.76 acre tract and the south line of said 7.256 acre tract the following five (5) courses:

- (1) South 59°02'57" East, a distance of 110.32 feet (record South 59°52' East, 109.99 feet) to a 60-d nail found;
- (2) South 59°34'57" East, a distance of 99.45 feet (record South 59°20' East, 99.45 feet) to a 1/2" rebar set;
- (3) South 64°32'45" East, a distance of 31.47 feet (record South 61°15' East, 31.36 feet) to a 1/2" rebar found;
- (4) South 61°34'57" East, a distance of 26.71 feet (record South 61°44' East, 26.90 feet) to a 60-d nail found;
- (5) South 57°58'52" East, a distance of 9.96 feet (record South 60°56' East, 10.04 feet) to a 1/2" rebar found for the northeast corner of the herein described tract, same being the northwest corner of a 2.468 acre tract of land conveyed to the City of Austin recorded in Volume 3143, Page 504 of the Deed Records of Travis County, Texas;

THENCE along the east line of said 1.76 acre tract and the westerly line of said 2.468 acre tract the following five (5) courses:

- (1) South 23°28'26" West, a distance of 42.08 feet (record South 23°29' West, 41.89 feet) to a 5/8" rebar found;

(2) South  $02^{\circ}21'53''$  East, a distance of 92.33 feet (record South  $02^{\circ}22'$  East, 92.42 feet) to a 5/8" rebar found;

(3) South  $13^{\circ}44'56''$  West, a distance of 84.80 feet (record South  $13^{\circ}45'$  West, 84.81 feet) to a 5/8" rebar found;

(4) South  $58^{\circ}43'29''$  West, a distance of 124.67 feet (record South  $58^{\circ}49'$  West, 124.78 feet) to a 5/8" rebar found for the southeast corner of the herein described tract;

(5) North  $37^{\circ}55'22''$  West, a distance of 113.87 feet (record North  $37^{\circ}47'$  West, 113.80 feet) to a 5/8" rebar found in the south-easterly line of a 1.22 acre tract described as tract III of Record in Volume 12402, Page 247 of the Deed Records of Travis County, Texas.

THENCE along the southerly line of said 1.76 acre tract and the northerly line of said 1.22 acre tract the following seven (7) courses:

(1) THENCE North  $62^{\circ}54'54''$  East, a distance of 20.50 feet (record North  $62^{\circ}43'$  East, 20.34 feet) to a 1/2" rebar found;

(2) THENCE North  $06^{\circ}56'54''$  East, a distance of 11.38 feet (record North  $06^{\circ}45'$  East, 11.38 feet) to a 1/2" rebar set;

(3) THENCE with a curve to the right, having a central angle of  $62^{\circ}23'57''$ , a radius of 45.00 feet, an arc length of 49.01 feet, a chord bearing North  $52^{\circ}05'25''$  West, a distance of 46.61 feet (record central angle of  $62^{\circ}27'$ , a radius of 45.00 feet, an arc length of 49.05 feet, a chord bearing North  $52^{\circ}02'$  West, a distance of 46.66 feet) to a 1/2" rebar found;

(4) With a curve to the left, having a central angle of  $21^{\circ}49'43''$ , a radius of 233.82 feet, an arc length of 89.08 feet, a chord bearing North  $31^{\circ}52'16''$  West, a distance of 88.54 feet (record central angle of  $21^{\circ}50'$ , a radius of 233.82 feet, an arc length of 89.10 feet, a chord bearing North  $31^{\circ}43'$  West, a distance of 88.56 feet) to a 1/2" rebar found.

(5) North  $42^{\circ}44'14''$  West, a distance of 33.41 feet (record North  $42^{\circ}38'$  West, a distance of 33.58 feet) to a 1/2" rebar found;

(6) With a curve to the left, having a central angle of  $17^{\circ}41'48''$ , a radius of 138.53 feet, an arc length of 42.79 feet, a chord bearing of North  $51^{\circ}25'14''$  West, a distance of 41.87 feet (record central angle of  $17^{\circ}23'$ , a radius of 138.53 feet, an arc distance of 42.03 feet, a chord bearing of North  $51^{\circ}19'$  West, a distance of 41.87 feet) to a 1/2 rebar set;

Exhibit "A"

Page 3 of 3

(7) North  $60^{\circ}07'14''$  West, a distance of 0.87 feet (record North  $60^{\circ}01'$  West, 0.44 feet) to a 1/2" rebar set for the southwest corner of the herein described tract and being in the east line of a 4.596 acre tract of land conveyed to KMS Ventures by deed recorded in Volume 6161, Page 2123 of the Deed Records of Travis County, Texas;

THENCE along the west line of said 1.76 acre tract and the east line of said 4.596 acre tract and the east line of said Lot 2, North  $30^{\circ}29'00''$  East a distance of 175.42 feet (record North  $30^{\circ}29'$  East, 175.00 feet) to the POINT OF BEGINNING.

This parcel contains 1.758 acres of land, more or less, out of the C.J. Struthers Survey No. 610, and the Daniel J. Gilbert Survey No. 8.

BEARING BASIS: Northwest line of said 1.76 acre tract and the Northwest line of said 1.22 acre tract.

ATTACHMENTS: Drawing c:\autocv\files\264008.dwg

 20 DEC 05

Joseph Beavers  
Registered Professional Land Surveyor  
State of Texas No. 4938



## EXHIBIT

## TRACT II

A DESCRIPTION OF 1.224 ACRES OF LAND OUT OF THE C.J. STRUTHERS SURVEY IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME 1.22 ACRE TRACT OF LAND CONVEYED TO DONALD H. AND BETTY ANN CUMMINS BY DEED DATED MARCH 24, 1995 FROM BRADFIELD AND CUMMINS II, A TEXAS LIMITED PARTNERSHIP, OF RECORD IN VOLUME 12402, PAGE 247 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.224 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" rebar found for the southwest corner of said 1.22 acre tract and being in the east line of a 4.596 acre tract conveyed to KMS Ventures by deed in Volume 6161, Page 2123 of the Deed Records of Travis County, Texas;

THENCE North 30°29'00 East, a distance of 334.25 feet (record North 30°29', 335.77 feet) with the west line of said 1.22 acre tract and the east line of said 4.596 acre tract to a 1/2" rebar set for the northwest corner of the herein described tract, same being the southwest corner of a 1.76 acre tract of land conveyed to Donald H. and Betty Ann Cummins by deed recorded in Volume 12402, Page 247 of the Deed Records of Travis County, Texas;

THENCE with the north line of said 1.22 acre tract and the southwest line of said 1.76 acre tract the following six (6) courses;

(1) South 60°07'14" East, a distance of 0.87 feet (record South 60°01' East, 0.44 feet) to a 1/2" rebar set;

(2) With a curve to the right, having a central angle of 17°41'48", a radius of 138.53 feet, an arc length of 42.79 feet, a chord bearing of South 51°25'14" East, a distance of 41.87 feet (record central angle of 17°23', a radius of 138.53 feet, an arc distance of 42.03 feet, a chord bearing of South 51°19' East, a distance of 41.87 feet) to a 1/2" rebar found;

(3) South 42°44' 14" East, a distance of 33.41 feet (record South 42°38' East, a distance of 33.58 feet) to a 1/2" rebar found;

(4) With a curve to the right, having a central angle of 21°49'43", a radius of 233.82 feet, an arc length of 89.08 feet, a chord bearing South 31°52'16" East, a distance of 88.54 feet (record central angle of 21°50', a radius of 233.82 feet, an arc length of 89.10 feet, a chord bearing South 31°43' East, a distance of 88.56 feet) to a 1/2" rebar found.

(5) With a curve to the left, having a central angle of 62°23'57", a radius of 45.00 feet, an arc length of 49.01 feet, a chord bearing South 52°05'25" East, a distance of 46.61 feet (record central angle of 62° 27', a radius of 45.00 feet, an arc length of 49.05 feet, a chord bearing

South 52°02' East, a distance of 46.66 feet) to a 1/2" rebar set;

(6) Thence South 06°56'54" West, a distance of 11.38 feet (record South 06°45' West, 11.38 feet) to a 1/2" rebar found;

THENCE South 62°41'23" West passing at a distance of 20.50 feet, a 5/8" rebar found for a northerly corner of a 2.468 acre tract of land conveyed to the City of Austin by deed recorded in volume 3143, Page 504 of the Deed Records of Travis County, Texas, and continuing for a total distance of 102.13 feet (record South 62°43' East, 102.23 feet) to a 5/8" rebar found;

THENCE along the east line of said 1.76 acre tract and the westerly line of said 2.468 acre tract the following five (5) courses:

(1) South 26°37'59" West, a distance of 101.36 feet (record South 26°43' West, 101.36 feet) to a 5/8" rebar found;

(2) South 48°44'59" West, a distance of 141.84 feet (record South 48°50' West, 141.84 feet) to a 5/8" rebar found for the southernmost corner of said 1.22 acre tract;

(3) North 38°31'14" West, a distance of 53.51 feet (record North 38°26' West, 53.27 feet) to a 5/8" rebar found;

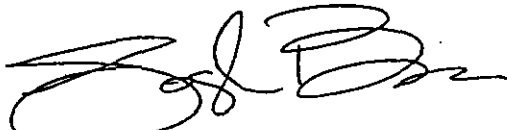
(4) North 23°50'48" East, a distance of 35.37 feet (record North 23°58' East, 35.31 feet) to a 5/8" rebar found;

(5) North 52°47'14" West, a distance of 57.79 feet (record North 53°56' West, 57.30 feet) to the POINT OF BEGINNING.

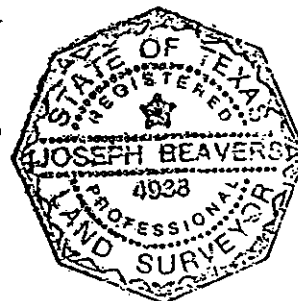
This parcel contains 1.224 acres of land, more or less, out of the C.J. Struthers Survey No. 610 in Travis County, Texas.

BEARING BASIS: The Northwest line of said 1.22 acre tract.

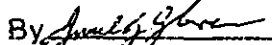
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Joseph Beavers  
Registered Professional Land Surveyor  
State of Texas No. 4938





20 DEC 95



FIELD NOTES REVIEWED

By  Date 1-4-96  
Engineering Support Section  
Department of Public Works  
and Transportation



 1" = 400'	SUBJECT TRACT		CASE #: C14-96-0134	CITY GRID REFERENCE NUMBER G26
	PENDING CASE		SUBJECT AREA (acres): 2.982	
	ZONING BOUNDARY		ADDRESS: 3335 MT. BONNELL RD.	
	CASE MGR:			
	CYCLE: 96-10	INTLS: TRC		



20  
PO#: 970109F

Ad ID#: 1OQE00400

Acct#: 5124992499

Account Name: CITY CLERKS OFFICE

# Austin American-Statesman

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,  
State of Texas, on this day personally appeared:

Carol Nickels

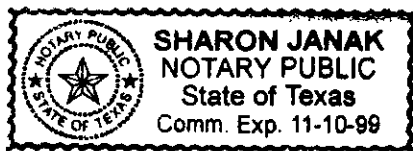
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper  
published in said County and State that is generally circulated in Travis, Hays, Burnet  
and Williamson Counties, who being duly sworn by me, states that the attached  
advertisement was published in said newspaper on the following dates, to wit:

First Published:	1/28/97	Last Published:	1/28/97
Times Published:	1	Classification:	9980
Lines:	21	Cost:	\$51.66

and that the attached is a true copy of said advertisement.

Carol Nickels

SWORN AND SUBSCRIBED TO BEFORE ME, this the 28th day of Jan, 1997.



Sharon Janak  
Notary Public in and for  
TRAVIS COUNTY, TEXAS